

# UNSETTLED LEGITIMACY

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globalization + autonomy

# UNSETTLED

Political Community, Power, and Authority in a Global Era

# LEGITIMACY

Edited by Steven Bernstein and William D. Coleman



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## Preface

# The Globalization and Autonomy Series: Dialectical Relationships in the Contemporary World

THE VOLUMES IN THE Globalization and Autonomy series offer the results from an interdisciplinary Major Collaborative Research Initiative (MCRI) funded by the Social Sciences and Humanities Research Council of Canada (SSHRC). SSHRC set up the MCRI program to provide a vehicle to support larger projects with research objectives requiring collaboration among researchers from different universities and across a range of disciplines. The MCRI on Globalization and Autonomy began in April 2002. The research team involved forty co-investigators from twelve universities across Canada and another twenty academic contributors from outside Canada, including scholars from Australia, Brazil, China, Denmark, France, Germany, Slovenia, Taiwan, the United Kingdom, and the United States. Drawing on additional funding from the International Development Research Centre (IDRC), the project became affiliated with a separate interdisciplinary research team of twenty-eight scholars, the Groupe d'Études et de Recherches Interdisciplinaires sur la Méditerranée (GERIM). GERIM is based in Tunisia and includes members from France, Spain, Jordan, and Lebanon as well. Scholars from the following disciplines participated in the project: anthropology, comparative literature, cultural studies, economics, English literature, geography, history, music, philosophy, political science, and sociology.

The project was conceived, designed, and implemented to carry out interdisciplinary research. We endeavoured to put disciplinary-based theories and conceptual frameworks into dialogue with one another, with a view

to developing new theories and understandings of human societies. Four conditions needed to be met if research was to be done in this way. First, we brought humanities and social science disciplines into a relationship of mutual influence, where perspectives were integrated without subordinating one to another. To achieve this integration, the team agreed on a set of core research objectives informed by existing writings on globalization and autonomy. Members developed a number of research questions designed to address these objectives and a research plan that would permit them to address these questions in a focused, systematic way. Second, team members individually were encouraged to think inside disciplines other than their own and to respect differences across disciplines in terms of how the object of knowledge is constructed. Third, team members were selected to ensure that the research was carried out using multiple methodologies. Finally, faced with researching the complex relationships involved in globalization, an interdisciplinary approach meant that our work would be necessarily pluri-theoretical. We held to the view that theories would be most effective when, in addition to applying ideas rigorously, their proponents acknowledged the limitations of any particular theoretical perspective and consciously set out to cross boundaries and use other, sometimes seemingly incommensurable, perspectives.

To ensure intellectual integration from the start, team members agreed on this approach at the first full meeting of the project and committed to the following core objective: *to investigate the relationship between globalization and the processes of securing and building autonomy*. To this end, we sought to refine understanding of these concepts and of the historical evolution of the processes inherent in both of them, given the contested character of their content, meaning, and symbolic status.

Given that *globalization* is the term currently employed to describe the contemporary moment, we attempted to:

- determine the opportunities globalization might create and the constraints globalization might place on individuals and communities seeking to secure and build autonomy
- evaluate the extent to which individuals and communities might be able to exploit these opportunities and to overcome these constraints
- assess the opportunities for empowerment that globalization might create for individuals and communities seeking to secure and to build autonomy

- determine how the autonomy available to individuals and communities might permit them to contest, reshape, or engage globalization.

In seeking to address the core objectives for the project, we moved our research in three interrelated directions. First, we accepted that globalization and autonomy have deep historical roots. What is happening today in the world is in many ways continuous with what has taken place in the past. Thus, the burden of a contemporary examination of globalization and autonomy is to assess what is new and what has changed. Second, the dynamics of the relationship between globalization and autonomy are related to a series of important changes in the locations of power and authority. Finally, the globalization-autonomy dynamic plays out in the construction and reconstruction of identities, the nature and value of community, and the articulation of autonomy in and through cultures and discrete institutions. In each of these three areas, the team developed and agreed to answer core questions to provide clear direction for the research. The full text of the questions is available at <http://globalization.mcmaster.ca/ga/ga81.htm>.

Over successive annual meetings of the team, our research coalesced around the following themes: institutions and global ordering; democracy and legitimacy; continuity and rupture in the history of globalization and autonomy; history, property rights, and capitalism; community; culture; the situation and struggles of indigenous peoples; and the Mediterranean region as a microcosm of North-South relations. The researchers addressing these themes tended to be drawn from several disciplines, leading to interdisciplinary dialogue within each thematic group. The themes then crystallized into separate research problems, which came to be addressed by the volumes in the series. While these volumes were taking form, the project team also developed an online publication, the *Globalization and Autonomy Online Compendium* (see next page), which makes our findings available to the general public through research summaries; a glossary of key concepts, organizations, people, events, and places; and a comprehensive bibliography. The ultimate objective of all of these publications is to produce an integrated corpus of outstanding research that provides an in-depth study of the varying relationships between globalization and autonomy.

### **Globalization and Autonomy Online Compendium**

Readers of this volume may also be interested in the *Globalization and Autonomy Online Compendium* (available at [www.globalautonomy.ca](http://www.globalautonomy.ca)). The *Compendium* is a collective publication by the team of Canadian and international scholars who have been part of the SSHRC Major Collaborative Research Initiative that gave rise to the volumes in the Globalization and Autonomy series. Through the *Compendium*, the team is making the results of their research available to a wide public audience. Team members have prepared a glossary of hundreds of short articles on relevant persons, places, organizations, events, and key concepts and have compiled an extensive searchable bibliographical database. Short summaries of the chapters in other volumes of the Globalization and Autonomy series can also be found in the *Compendium*, along with position papers and peer-reviewed research articles on globalization and autonomy issues.

## Acknowledgments

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## **Unsettled Legitimacy**



## chapter 1

# **Introduction: Autonomy, Legitimacy, and Power in an Era of Globalization**

Steven Bernstein and William  
D. Coleman

THIS VOLUME ADVANCES UNDERSTANDING of the relationship between globalization and autonomy by examining it through the lens of legitimacy. Its premise is that contemporary globalization has unsettled the often taken-for-granted acceptance of relationships of rule between governing authorities and individuals and communities, whether in local, national, regional, international, or global settings. This unsettling of legitimacy — by which we mean the justifications and acceptance of that relationship of authority — raises questions and challenges assumptions about the relationship between political authority, power, and political community around the world. Our focus is on the practices through which individuals and communities have attempted to develop, reconfigure, or recapture shared rule under conditions of globalization — and on what might make such rule acceptable and justified. Democratic theory and variations of democratic practices are but two possible sources of legitimate authority. Exploring the unsettling of legitimacy also opens up space for an interrogation of the discursive practices that have legitimated (or delegitimated) reconfigurations of authority, sometimes producing morally suspect, unequal, oppressive, or, in the extreme, violent orders. It likewise allows for forward-looking analyses of the orders that nascent discourses of globalization may legitimate.

The individual chapters in this book collectively analyze the forces of globalization that have disrupted or led to reconfigurations of political

authority, and they warn of the dangers of moving in a direction that is increasingly taken in the contemporary world: legitimacy for a permanent state of exceptionalism that justifies a suspension of rights in the name of security. Simultaneously, the chapters' authors demonstrate the possibilities and constraints of preferred responses to the challenge. Although no single label can adequately encapsulate the full range of the responses in the pages that follow, a discernable set of findings did emerge that might best be described as a global form of *liberal internationalism*, with apologies for the term's irony in a global age. Although this overall response offers no radical critique of globalization, it is morally uncompromising. Some might even call it conservative. We live in an era when political legitimacy at multiple scales of authority is under strain, and globalization creates demands for regulation, security, and protection of rights and expressions of individual and collective autonomy within and across multiple political and geographical spaces. Accordingly, the balance struck here is, arguably, both appropriate and reasonable.

In this regard, three broad findings emerge that are captured by the descriptor *global liberal internationalism*. First, the assertion of state authority remains necessary for individual and collective autonomy, though with an important caveat. Namely, in light of struggles for the renegotiation of sovereignty, we warn against new configurations of authority that threaten, even more than traditional configurations of state sovereignty now under strain, to undermine both individual and collective autonomy. Second, the growth of an autonomous, yet often disenfranchised and frustrated, global civil society will constitute a danger for new configurations and sites of political authority if it continues to lack adequate opportunities for efficacious political action. These opportunities depend in large part on the willingness of interstate institutions, global public authorities, and global sites of private authority to engage in political discussions of key issues. Third, there is a need to take far more seriously twentieth-century liberal values, especially human rights and citizenship and expansive (rather than solely property rights-based) notions of rule of law, democracy, and other expressions of empowerment and self-rule. Globalization has not diminished the need to protect these values in domestic constitutions — and the particular historical circumstances of insecurity that mark the early twenty-first century have only increased this need. Nevertheless, globalization's consequent disruption and reimagining of political community unsettles legitimacy, thereby increasingly necessitating the entrenchment of these values in interstate, transnational, or global institutions.

To be clear, if state sovereignty is understood as the exclusive jurisdiction over territorial spaces, these findings do not endorse it as the sole appropriate form of political authority. Other sites of authority are emerging, as a companion volume, *Global Ordering: Institutions and Autonomy in a Changing World* (Pauly and Coleman 2008), in this series suggests. States are increasingly called on to share their monopoly, in theory or in practice, on the protection or legitimate expression of autonomy. To the degree that states fail in an era of globalization to satisfy new legitimacy demands, renegotiations of political authority are necessary. The contributors, nonetheless, see value in renegotiating new forms of sovereignty that involve the state and the continued importance of the state and interstate cooperation to achieve public goods.

These themes are explored from multiple disciplinary, normative, and geographical vantage points. Underlying them all is the question of legitimacy as it bears on the relationship between autonomy and political authority. Two core questions are addressed in this regard. First, under globalization, how or why do individuals and communities accept commands directed at them, or that affect them, as legitimate? Second, from the vantage point of autonomy, how do individuals and communities retain or gain influence and control over local and non-local decisions that affect them? By extension, we are interested in how such expressions of autonomy permit individuals and collectivities to shape globalization itself. Underlying these questions is the quest to understand how globalization disrupts the ways autonomy is maintained or promoted in relation to political order. We begin, then, with the nature of the challenge posed by contemporary globalization to legitimate political order.

### **The Context: Globalization's Challenge to Political Authority**

Contemporary globalization has, arguably, led to increased uncertainty and insecurity as the givens of the old international order — premised on the security of the state and the bounding of political communities and justice therein — appear to be under considerable strain (Devetek and Higgott 1999; Ruggie 2007). A long digression on the meaning of globalization is unnecessary in this context, especially since that meaning, as one of our contributors, Nisha Shah, puts it, is so wrapped up in our experience of it. Although the implications of globalization are far from certain — indeed, that is the question addressed by our larger project — the material and social forces associated with globalization are fairly uncontroversial. Rising

levels of transactions, communications, and flows and the growth in what Jan Aart Scholte (2005) has described as transplanetary connections — particularly ones that are supraterritorial and, thus, less constrained by the territorial boundaries of states — have been well documented, despite large swaths of humanity being left behind. In addition to the usual focus on the economic and social dimensions of these processes, events of the last decade direct our attention to the military and security aspects of globalization. New debates about the reassertions and reconfigurations of sovereignty exist side by side with discourses of what Heike Härting describes in this volume as localized transnational wars. Although globalization may encompass an unequal, power-laden, and fractured set of processes, few would dispute that its reach, even as felt by those who cannot directly participate in it, continues to increase.

The two great motivators of political life, fear and hope, rise to the surface in such times. A desire or demand for autonomy underlies both. Fears of disorder, insecurity, loss of control, and domination motivate the drive to legitimate power and order precisely to protect autonomy. At the same time, hope may spur individuals and groups dissatisfied with the old political order to take advantage of such changes to push for more control over their destinies, resist domination or oppression, promote social justice, and pursue the good life. These efforts reflect the hope that autonomy may be enhanced as authority is reconfigured. Pursuit of autonomy, particularly in its collective form, has a complex relationship with legitimacy, as we discuss below. For example, the push for more collective autonomy by some Québécois or some Scots is based, in part, on an argument that political decision making in Canada and the United Kingdom, respectively, is not legitimate. Efforts to redefine or renegotiate the political community of relevance for the exercise of collective autonomy represent challenges to the basis of legitimacy. Similarly, when it comes to individual autonomy, demands for rights by women, the poor, or practitioners of minority religions might challenge the basis for how collective autonomy is exercised if they are not included in decision making. In short, in creating the openings for such renegotiations and questions, globalization rapidly expands the scope of questioning of legitimacy.

The challenge, then, is how to promote security and order while, at a minimum, preserving autonomy or, more ambitiously, creating opportunities for those seeking new forms of enhanced autonomy. More generally, does the legitimization of power — the central problem of political order at whatever level it falls — require the protection and enhancement of

autonomy; if so, what kind of autonomy, and for whom? This question turns attention to the political dimensions of legitimacy, our primary focus.

## Core Concepts

### Legitimacy

We define legitimacy as the acceptance and justification of shared rule by a community. This definition is overtly political, as opposed to legal or sociological. Thus, legitimacy is not the same as legality, being in accordance with a body of recognized law. Law may be a source of legitimacy, and legitimacy may be one important underpinning of law, but the two do not always coincide. As Inis Claude (1966, 369) noted in his landmark study of collective legitimation in international politics, the legitimacy of positive law “is sometimes the precise issue at stake in political controversy.” Indeed, many of our contributors demonstrate how globalization unsettles the relationship between law and legitimacy, exposing tensions between them. They explore this tension through various prisms, including an assessment of challenges to an increasingly legalized world trading system (Ostry, this volume; see also Howse and Nicolaidis 2001), an investigation of contradictions in the emerging human rights law on the “responsibility to protect” doctrine (Nyers, this volume), and a questioning of the legitimacy of sovereign states’ exclusive authority to make laws (see, this volume, Keating, McGarry, and Moore; Sunday; Feit; and Pal; see also Kingsbury 2007 for a broader discussion).

Political legitimacy should also not be confused with the legitimacy of an organization or institution, the targets of interest for many sociological accounts. In that literature, the term *legitimacy* refers to a collective audience’s shared belief, independent of particular observers, that “the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman 1995, 574). Still, sociological conceptions of legitimacy may point to important bases of political legitimacy. In particular, sociological understandings of legitimacy usefully highlight that legitimacy is rooted in a society or community in which the rule or institution operates. They also point to processes in which practices become institutionalized or accepted as “appropriate” by the community in an ongoing process of legitimization and delegitimization. From this perspective, rules constantly interact with the social purposes and goals of relevant audiences or communities.

A focus on political legitimacy, however, shifts attention to authority relationships that empower actors and institutions that participate in those relationships and construct governing institutions through their interactions. In other words, political legitimacy concerns relationships in which commands ought to be obeyed. It reflects “a more general support for a regime [or governance institution], which makes subjects willing to substitute the regime’s decisions for their own evaluation of a situation” (Bodansky 1999, 602). Political legitimacy requires institutionalized authority (whether concentrated or diffuse), power resources to exercise rule, and shared norms among community members. These norms provide justifications and a shared understanding of what an acceptable or appropriate governing institution, or political order, could look like; they provide the boundaries for what it can and should do. Virtually all of our contributors, though they may draw from different scholarly traditions or root their analyses in different epistemologies, are concerned in some way with the acceptance (or rejection) of governance relationships and, thus, with political legitimacy.

With its emphasis on acceptance and justifications, our definition of political legitimacy self-consciously straddles the traditional divide between empirical measures of legitimacy and normative theory. The former have their roots in Weberian social science and serve to guide investigations of whether actors accept a rule or institution as authoritative. The latter asks whether the authority possesses legitimacy, a view best reflected in contemporary political theory by Habermas’s position (1973, 97) that a belief in legitimacy is assumed to have an “immanent relation to truth.” That position also underpins theories of deliberative democracy, which now dominate the normative literature on political legitimacy. Melissa Williams, who best represents this position in this volume, understands legitimacy as “the justification of actions to those whom they affect, according to reasons they can accept” or, more generally, as being rooted in reciprocal justification. Our definition of legitimacy, thus, may not capture the position of all contributors. It does recognize, however, that, as a practical matter, arguments about why actors should accept a decision or rule as authoritative (as opposed to being coerced) necessarily include possible reasons why the decision is accepted and vice versa.

Our group of authors explicitly rejected pre-judging on what basis legitimacy under globalization does or should rest. In particular, they refused to frame the volume around questions of democracy, the usual starting point for scholarship on the prospects and possibilities of governance

under globalization. David Held is the most prominent scholar who organizes his thinking in this way. His work on globalization begins with the premise that “democracy bestows an aura of legitimacy on modern political life: laws, rules, and policies appear justified when they are democratic” (Held 1995, 1). Although no contributor dismisses the legitimating power of democracy outright, many identify potential tensions between autonomy, democratic practice, and political legitimacy in contemporary and emerging configurations of political communities and authority. Consequently, the volume frames the question of what constitutes the most appropriate form of political life in terms of achieving political legitimacy rather than democracy.

Our empirical chapters, in particular, begin not with democratic, deliberative, or rights-based theories of legitimacy but with the Weberian questions: What basis of legitimacy holds sway in a particular society? How does a prevailing political order generate an intersubjective belief in its legitimacy (Connolly 1984, 18)? And how is globalization unsettling these bases and associated beliefs? Even our theoretical chapters point to ways in which globalization opens up debate about what notion of autonomy ought to provide the basis for legitimate political order. Moreover, by complicating who counts as a citizen, or by forcing the renegotiation of the boundaries of relevant political communities, globalization forces us to pay attention to how the different audiences of states, global civil society, or marketplace actors may share different criteria or weightings of the elements of legitimacy that justify political domination. For example, some global civil society actors may highly value accountability, participation, transparency, and equity, whereas global corporations concerned with governance may give priority to the rule of law and fairness in the marketplace. In another context, a minority national community may base its understanding of legitimacy on protection of collective identities as much as on individual autonomy. In contrast, discourses of rights, global environmental stewardship, or traditional knowledge may play different legitimating roles in different local contexts, as the chapters by Tara Goetze and Harvey Feit suggest. There is no abstract mix of procedural, substantive, or performance criteria of legitimacy that can be known to produce legitimacy outside the context of particular political communities.

A loose analogy can be drawn between how globalization introduces these new problems of political legitimacy in global policy domains and how the expansion of the welfare state (into more and more areas of economic and social life) shifted the debate about political legitimacy

domestically after the Second World War. According to Connolly (1984, 13), who is commenting on Habermas (1973), that expansion “enhance[d] the visibility of the conventional and political dimension of social life and encourage[d] citizens to ask the state to legitimize the particular conventions supported by its action.” Similarly, as economic and cultural relationships become more transplanetary and supraterritorial and, thus, less “contained” by the boundaries of nation-states, a mismatch develops between some facets of the exercise of authority and these economic and cultural relationships. In the words of Reinicke (1998, 64), “Whereas the political geography that defines markets continues to be structured by mutual exclusion, the economic geography on the basis of which these markets function has become increasingly inclusive, defying the territorially fixed nature of the nation-state by creating non-territorial space.” States increasingly seek to address the mismatch between economic processes and the territorial limits to the exercise of political authority by pooling sovereignty. In cases where they are unwilling or unable to do so, they often allow regulatory authority to shift to private or networked forms of governance in the marketplace. In sum, increased economic and cultural interdependence between states undermines the congruence between the people being governed and their supposed governors, thus unsettling legitimacy (Scharpf 1998, 5).

John Ruggie (2003a, 94) nicely sums up the problem of governance that results for international institutions designed for an earlier era and premised on states’ capacities to intervene in their own economies to ensure social stability. These institutions, especially the economic institutions most frequently targeted by global justice protests, “presupposed an *international world*” and “the existence of *national economies*, engaged in external transactions, conducted at *arms length*, which governments could mediate at the *border* by tariffs and exchange rates, among other tools. The globalization of financial markets and production chains, however, challenges each of these premises and threatens to leave behind merely national social bargains.” Consequently, institutions that operated largely invisibly in an international system now face increasing scrutiny — some might even say a legitimacy crisis — in a more global system in which they appear more authoritative to ordinary citizens. In addition to nation-state governments, civil society now looks to these institutions to provide social justice, equity, ecological integrity, and other societal values, not just functional goals such as financial stability (Devetak and Higgott 1999, 483; Smith, this volume).

Whether increased authority flows to existing international organizations or to new ordering institutions that operate partially or independently from states, the growing significance of the sites of authority involved can further circumscribe the individual autonomy of citizens by limiting their ability to contribute to decision making. This erosion can truncate the range of agency of citizens, thereby undermining notions of popular sovereignty associated with legitimacy. To the extent that the demands of citizens have difficulty entering the political processes that most affect their lives, the legitimacy of the authorities making such decisions comes into question. Notions of accountability associated with legitimacy include the idea that political leaders will explain to citizens how their actions have addressed the wants and preferences of “the people.” The fact that the participants in sites of authority beyond the state frequently do not represent the full range of populations affected by their decisions compounds the problem of accountability. Again, the problem of defining the appropriate boundaries of political communities arises. If legitimacy always rests on shared acceptance of rules and justificatory norms recognized by the relevant community, defining membership in the given community becomes central. As globalization forces the renegotiation of community boundaries and memberships, issues of identification of community members and what share of norms of appropriateness must be present become central concerns. These issues are the focus of another volume in this series, *Renegotiating Community: Interdisciplinary Perspectives, Global Contexts* (Brydon and Coleman 2008). As these negotiations take place, long-standing rules and norms come into question, thereby unsettling how legitimacy is achieved.

## Autonomy

In the Globalization and Autonomy project, researchers have worked with concepts of both individual and collective autonomy. These two notions of autonomy became increasingly common with the onset of modernity. The idea of the pure freedom of the individual based on her or his “natural” quality grew out of a rejection of the oppressiveness of medieval institutions in Europe. Gradually, there developed the idea that individuals (originally, propertied males) had the right to choose their own way of living, to decide which convictions they wished to promote, and to take steps to shape their own lives (Taylor 1991, 2). Notions of individual autonomy came to be understood as complementary to collective autonomy

in the sense that, in modern societies, individuals decide on the rules and forms through which they will be governed.

Modern theories of democracy postulate that when decisions arise from the exercise of collective autonomy by individuals who themselves possess individual autonomy, they are highly likely to be accepted and, thus, legitimate. The exercise of collective autonomy is anchored by the condition that all members of a given political community have an equal right to participate in decision making. How they exercise that right will vary from person to person as each exercises her or his individual autonomy. As Habermas (1996, 130) writes: “Communicative and participatory rights must be formulated in a language that leaves it up to autonomous legal subjects whether, and if necessary, how they want to make use of such rights.” Individual autonomy provides “a protective cover for the individual’s ethical freedom to pursue his own existential life project or ... his current conception of the good” (ibid., 451). As long as they have this individual autonomy — and, thus, the capacity to shape collective decisions — these decisions are likely to be accepted. Securing legitimacy is facilitated by a sense of political community, cultivated and developed in a state.

Habermas (1996, 122), in these respects, sees collective autonomy and individual autonomy as co-original: together they form the basis of democracy and, thus, of legitimacy. “The idea of self-legislation *by citizens*, that is, requires that those subject to law as its addressees can at the same time understand themselves as authors of law” (ibid., 120). This co-originality, however, rests on certain conditions. The decisions are located in “a geographically delimited legal territory and to a socially delimitable collectivity of legal consociates, and consequently to particular jurisdictional boundaries. These limitations in historical time and social space result simply from the fact that legal subjects cede their authorizations to use coercion to a legal authority that monopolizes the means of legitimate coercion and if necessary employs these means on their behalf” (ibid., 124). And behind this reasoning is a further assumption: the given polity, in turn, makes the primary decisions for the members of that community.

Although these understandings of individual and collective autonomy are common in democratic theory, they are often challenged outside that body of theory. Feminists have argued that individual autonomy thus conceived reflects the dominance of social structures that favour the self-reliant male. They also note the powerful association between this conception of individual autonomy and neoliberal thinking (Code 2000). Some advocate for the adoption of a conception of relational autonomy: autonomy

emerges through the social relationships between persons. Relational autonomy is the focus of another volume in this series, *Indigenous Peoples and Autonomy: Insights for a Global Age*, which addresses the research problematic of the project through the experiences and thought of indigenous peoples (Blaser, de Costa, McGregor, and Coleman, under review). This understanding of autonomy is also addressed in chapters in this volume by Goetze, Feit, and Smith.

Finally, although cast as universal ideas, these notions of autonomy generate considerable *friction*, to use Tsing's (2005) term, when introduced into many societies with cultures that have colonial histories and have resisted Euro-American domination. In these societies, struggles over autonomy, democracy, and legitimacy can take different forms, particularly when contextualized in formerly colonial and subsequently neo-imperial structures. These struggles and their implications for autonomy are examined in more depth in another volume in this series: *Deux Méditerranées: Les voies de la mondialisation et de l'autonomie* (Essid and Coleman, under review).

Challenges from the intensified globalization of the past three decades to the ideal relationships in democratic theory between individual autonomy, collective autonomy, political community, and legitimacy occur in several ways. First, there is a growing disjuncture between the legal territorial reach of nation-states and the world economy. The internationalization of production in some sectors and the rapid expansion of fully global financial markets reduce the capacity of most states to manage their own domestic economies in ways they had practised in the latter half of the twentieth century. In this respect, the collective autonomy of states is reduced, which may undermine, in turn, the willingness of citizens to support them and accept their decisions.

Second, companion processes of political globalization in the form of international laws and norms recognize the rights of individuals and, thus, open up spaces for the expression of individual autonomy, which is no longer constrained so fully by state sovereignty. For example, the core principles of the International Criminal Court (ICC) recognize that persons in their individual capacities are accountable for their actions to humanity and are no longer sheltered by state sovereignty. Thus, any political leader can be held personally accountable for any crimes committed within the jurisdiction of the court. Any citizen of any state has a right to call any leader to account for alleged crimes if her or his own state fails to do so. Admittedly, the ICC is a particularly strong example of how the co-originality of individual and collective autonomy can be pulled

apart by globalizing processes. (Although even in this case limits still appear in practice, not least the ongoing resistance of major powers, including the United States and China, to allow their citizens to be subject to the ICC's jurisdiction.) Nonetheless, other examples in international law are also available (Held 1995, 101-7). Under these kinds of processes, for example, women in a country like Pakistan might imagine and even act on the idea that denials of basic rights in practices like honour killings are an infringement of individual autonomy as defined in international law and norms. In such instances, the heteronomy arising from an authoritarian state can be challenged in global sites of authority on legitimacy grounds through claims to individual autonomy formulated on the basis of international laws and norms.

Third, the emergence of regional and global sites of authority adds complexity to the process of securing acceptance for political decisions. Legitimacy is a question of the mutuality of individual and collective autonomy within the nation-state, but it also extends beyond the nation-state to sites like the World Trade Organization (WTO), the World Health Organization, and the European Union (EU). If these supranational sites of authority work in ways that do not permit individuals affected by their decisions to have a sense of being *authors of law*, to use Habermas's term, legitimacy may be undermined. Notably, Habermas has recognized this disjuncture even in the case of the EU. As he put it in 1990, "the democratic processes constituted at the level of the nation-state lag hopelessly behind the economic integration taking place at a supranational level" (Habermas 1996, Appendix 2, 491). Some even suggest that these supranational sites of authority, along with the body of law they administer, are creating an external constitution to the state that removes its decisions from the realm of politics and accountability; others dispute this contention, even in the most cited example of the WTO (compare Clarkson 2008 and Howse and Nicolaidis 2001 to Dunoff 2006). What is less in dispute, however, is that any move to do so would be self-defeating, precisely because it would provoke a debate on the normative justifications and empirical legitimacy of a constitutional vision, which only a political debate could address (Dunoff 2006, 665). Legitimacy problems of this sort are independent of left-right debates, such as those over global neoliberalism. The danger of constitutionalization in the absence of mechanisms to produce political legitimacy is equally strong whether one wishes to constitutionalize a right to trade, institutionalize judicial review, or incorporate human rights into trade law.

Fourth, as the collective autonomy of states shrinks in a relative sense, individuals often come to identify with political communities that cross territorial boundaries, such as global communities of women, as the Pakistan example above suggests. Changes in identification with communities can then give rise to questions about the decisions of states and, thus, their legitimacy. Parallel processes take place within states as well. Cultural minorities might seek more collective autonomy in an attempt to widen the space in which individual autonomy by their members can be exercised. Julie Sunday's discussion of Hungarians in Romania in this volume and the analysis of such minorities more broadly in Europe by Michael Keating, John McGarry, and Margaret Moore outline these processes and note the challenges they imply for legitimacy within the nation-state.

These illustrations of the challenge to the logical interconnection of individual autonomy, collective autonomy, political community, and legitimacy as outlined by Habermas, among others, raise a final question. Is globalization likely to reproduce analogous interconnections on a global scale, or will these interconnections take rather different forms as globalization proceeds? Habermas's own position is closer to the former. He sees the need to reproduce a *demos* — that is, the “popular unit that exercises political rights” (Cederman 2001, 144) — that consists of a people sharing certain political, and perhaps cultural, norms at levels beyond the nation-state. Legitimacy also requires the functional equivalents of the institutions that he argues are necessary to recognize co-originality of individual and collective autonomy. For example, he has written that a European constitution voted on through referendum could catalyze “the emergence of a European civil society; the construction of a European-wide public sphere; and the shaping of a political culture that can be shared by all” (Habermas 2001a, 16–17; 2001b, 89–103). However, as we note below, the failure so far to gain popular support for a European constitution suggests that the challenges globalization poses to the ideal of co-originality may not be so easily resolved. Others, too, have commented on the challenge of creating a *demos* beyond the state, even in Europe, the most likely case for its appearance (e.g., Cederman 2001). The difficulty of this challenge does not mean collective autonomy beyond the nation-state is impossible (see, especially, Melissa Williams's chapter, this volume). Most of our contributors suggest, however, that it will occur not as a replacement of collective autonomy in the state but in new arrangements in which the relationships between individual autonomy, collective autonomy, and legitimacy are much messier (we borrow this descriptor from Harvey Feit's chapter in

this volume) than the ideal of co-originality suggested in Habermas's political writings.

## Power

How the relationship between political legitimacy and autonomy under globalization is worked out in practice is intimately connected to questions of power. In the most direct sense, political legitimacy, following Max Weber (1978, 953), relates to the justification of power in the form of authority, domination, or both. Although much of liberal political philosophy has been concerned with limiting power — especially the arbitrary exercise of coercion by the state — all political orders require power. And any exercise of power has potential implications for autonomy. The question of power, thus, has two facets: what requirements does globalization create for its exercise to be legitimate, and what is power legitimating under globalization? Put another way, how are particular orders legitimated over others, and what are the implications for individual and collective autonomy?

Our contributors employ at least two different understandings of power to address these questions. The first conceives of power as relational and rooted in material or ideational resources of actors or institutions to produce control or desired effects. Within this conception of power, themes of empowerment, ownership, and capacity emerge as the crucial links from autonomy to legitimate authority. Two chapters on the African experience of globalization offer the clearest illustrations of these linkages. In one, African elites interviewed by Rhoda Howard-Hassmann perceived globalization as a form of heteronomy, as a foreign imposition, and as a continuation of a history of exploitation dating back to colonization. The problem identified was usually not the power of global markets per se, which is potentially empowering; rather, interviewees pointed to a lack of autonomy — owing primarily to having to devote limited material resources and expertise in international forums when they were strongly needed domestically — to engage and shape global markets and political processes.

Howard-Hassmann, thus, describes Africa as being “missing” under globalization. Sylvia Ostry, using similar terminology, notes the missing cases of African disputes at the WTO. Ostry shows the ironic consequences of the legalization of the trade regime, which was supposed to level the international playing field and improve fairness compared to the system under the General Agreement on Tariffs and Trade (GATT). Instead, legalization increased corporate influence and the intrusiveness of international

regulation in domestic governance, and it masked the underlying use of power capabilities by those states that possess them to achieve trade goals at the expense of weaker states. Legalization cannot produce legitimacy when many poorer state members are unable to fully participate in negotiations and African cases are conspicuously absent in the dispute settlement system. The problem is not simply material resources — though they are important — but also a significant gap in technical knowledge, lack of functioning institutions in which to generate policy domestically or transnationally, and weak legal infrastructure (Ostry, this volume; see also Adler and Bernstein 2005).

It would be easy to conclude from these analyses that global markets, universal norms of human rights promoted by the West, or the rule of law is to blame for Africa being missing from globalization. Howard-Hassmann and Ostry explicitly disavow such a position. Autonomy provides the missing link between globalization and empowerment. This empowerment requires, however, a real commitment to help Africans develop their own institutional capacity and ability to engage in decision making and participate, adapt, develop, and take ownership of these values in accordance with their own needs and experience. Taken together, these two chapters suggest that, at least in the African context, autonomy at multiple levels (individual, state, and perhaps even continental) is closely linked. As Howard-Hassmann puts it, “Continental autonomy is not possible without national legitimacy. National legitimacy in Africa, as elsewhere, rests on the capacity to create efficient, rule-bound, law-abiding democratic governments that can fairly deliver needed goods to their citizens. This capacity is crucial to Africa’s ability to negotiate as a regional body on the global scene.”

The actual practices of many international institutions, however, militate against the development of this type of autonomy. As Ostry put it in reference to trade negotiations during one of our workshops, there are two kinds of autonomy: the autonomy of the United States and the autonomy of the rest of world. In other words, the powerful have the luxury of protecting and defining their autonomy and sovereignty in ways they may not themselves accept when it comes to other states. Les Pal’s chapter on governance of the Internet observes a similar pattern. The United States, he notes, gave up nothing at the 2005 World Summit on the Information Society, a result that thrilled US Ambassador David Gross (Washington File 2005). The outcome preserved the unique role of the United States government in ensuring the reliability and stability of the Internet. Pal questions whether such a situation is sustainable given its questionable

legitimacy because the broader international community lacks a significant policy input.

A second conception of power presented in this volume views it as being productive of individuals' identities and practices (Foucault 1991; Barnett and Duvall 2005, 20–22). This conception resonates with Michel Foucault's (1991) notion of governmentality, the idea that disciplines or epistemes — the background knowledge that passes “the command structure into the very constitution of the individual” — extend into sites of authority, thereby empowering and legitimating them (Douglas 1999, 138). Accordingly, new sites of authority extend a process of diffusion and internalization of epistemes often associated with globalization — such as globalism, competitiveness, self-motivation, rapidity, agility, and so on — beyond the state (*ibid.*, 152). Legitimacy is explicitly linked to power in terms of how background normative, ideological, technical, and scientific understandings produce specific modes of behaviour and interaction (Foucault 1991).

In this volume, Harvey Feit's account of the evolution of co-governance between the indigenous James Bay Cree Nation and various levels of state governance in Canada most directly shows productive power in practice under globalization. He traces dominant discourses associated with globalizing periods — first development and then neoliberalism — and the way they constituted and influenced practices of co-governance. These practices centred on partnerships between the Crees and the state that involved often “messy” arrangements among nested collective autonomies. The power of these discourses is profound. Thus, Feit sees neoliberal co-governance as a vision and a practice rooted in the universality of markets to shape governance and lives; he adds that it obscures the possibility of relationships with people and lands that are not encompassed by the market. In these respects, neoliberalism dehistoricized co-governance, which opened the way to overriding the Crees' collective autonomy and misunderstanding their subjectivity when it comes to those lived experiences that express the Cree way of life. There is nothing in co-governance itself that makes this outcome inevitable — it is but a mechanism. It is the productive power of market discourse, through its enabling and shaping of understandings of legitimate possibilities for co-governance, that structures the particular form partnerships of autonomy might take.

A focus on productive power, however, risks degenerating into a position that all legitimation must be resisted because authority in all guises is always a mode of normalization (Beiner 1995). Feit, conscious of this risk,

assesses the indeterminacy of globalization rather than assuming it automatically produces a need for resistance. In particular, he notes that although neoliberal discourse disrupted earlier autonomy partnerships at the local level, it simultaneously provided new openings for the Crees to re-establish some co-governance by working directly with corporate institutions involved in resource development. Thus, the Crees were able to construct new avenues for political agency. These accomplishments came at the end of a period of global activism involving alliances with environmental organizations to put pressure on American investors in the major hydroelectric development project at James Bay (Bergeron, under review). These alliances led to political action in New York State (a potentially important investor and future customer) and at the Permanent Forum on Indigenous Issues at the UN, where they drew on discourses on indigenous and human rights to gain legitimacy for their claims to co-governance in Quebec.

Tara Goetze's chapter on natural resource management in Belize similarly illustrates the power, yet ambiguous influence, of another intersecting set of globalizing discourses: global conservation management and empowerment. The empowerment discourse includes norms of access to information, participation, accountability, and support for local organizational capacity. In other words, it is potentially a discourse of collective autonomy. In practice, however, these discourses undermined local power and autonomy by defining externally how and which marine resources were to be conserved and how these resources were to be "managed." At the same time, these discourses supported the creation of a locally based conservation non-governmental organization (NGO) that included active participation from community members in order to co-manage marine resources with the state. The design of the conservation NGO, it was hoped, would reduce friction caused by the external imposition of conservation norms and would introduce competing knowledge claims and justifications of alternative practices by scientists and local communities. Even as the empowerment discourse permitted the reconstitution of collective autonomy for local fishers, it had the ironic consequence of constructing them as powerless, as in need of external help, and often ignored their traditional local knowledge. The case study, therefore, shows how globalizing discourses directly empower new actors, but with complex consequences for the legitimacy and authority of the state and local communities.

Goetze's chapter highlights that although scholars in the Foucauldian tradition have often focused on how globalization is linked closely to a

neoliberal economic discourse, we need not pre-judge the epistemic underpinning of globalization to see productive power at work as a legitimizing force. In this volume, Nisha Shah takes this insight the furthest, arguing that legitimacy is a discursive property embedded in the metaphors that constitute political communities and political authority. Which metaphor of globalization dominates is not preordained. Instead, she argues that different interpretations of globalization will produce different norms, promote different governing institutions, and advocate different policies, motivating certain types of political activity while excluding others. Using Rorty's (1989, 1991) idea of redescription, she argues that metaphors of globalization can redescribe and, therefore, transform institutions and political communities by specifying new legitimating principles.

### **The Volume: Putting the Pieces Together**

Every chapter in this volume explores ways in which globalization unsettles knowledge about how legitimacy, autonomy, political community, and power are related. In an earlier era, that relationship was understood axiomatically for both domestic and international politics: the legitimacy of the liberal state rested on the choices of autonomous individuals; the liberal international order rested on the autonomy of states. Liberal international theory understood sovereign states as being the repositories of collective autonomy, because states bounded political communities. International legitimacy could, at most, reflect processes of collective legitimization by states, which were facilitated by institutions such as the United Nations that served a function of legitimating collective decision making (Claude 1966). Individual autonomy simply had no place in theories of international politics.

In this section we work through the organization of the volume to see how various authors understand the disruptive and reconstitutive impact of globalization on that settled knowledge. We begin, however, with a longer discussion of Peter Nyers' chapter on the new doctrine of responsibility to protect (R2P). Endorsed by the UN General Assembly, the doctrine essentially says that the international community has a right to intervene to protect individuals and communities when their state fails to act (or is complicit) in the face of gross human rights violations. It serves as an excellent entry point to bring together a number of themes raised above.

Nyers' chapter addresses how a new practice associated with globalization may undermine long-standing assumptions about the co-originality

of individual and collective autonomy. He asks: “Can the autonomy of states be defied in the name of protecting the autonomy of individuals whose lives are at risk?” The R2P doctrine answers in the affirmative. It reflects an extension of liberal values and the internationalizing of the liberal constitutional basis of the state rooted in a notion of individual human rights. Its operationalization — though whether it will ever be implemented is an open question — throws into sharp relief the dilemma of how to reconcile a cosmopolitan notion of individual autonomy anchored in human rights that trump state sovereignty (and, thus, collective autonomy) with governing institutions that derive their authority from sovereign states.

Cosmopolitan in outlook, the doctrine’s justifications have deep roots in the natural law tradition, which posits the sovereignty of the individual as the basis of all political order. These justifications implicitly depart, however, from that tradition in one important respect: cosmopolitan conceptions of the international, beginning with Kant, never, until now, extended those rights to grant an expression of collective autonomy beyond the state. Only in the context of globalization is there a notion that the sovereignty of individuals can be given over not only to the state, in order to provide the security necessary for individual autonomy, but also to sites of authority beyond the state.<sup>1</sup> Indeed, the mechanics and limitations of transferring sovereignty to other sites is a central preoccupation of the new cosmopolitan literature on democratic legitimacy. It views that problem as one of shortening the chains of delegation (Keohane and Nye 2001, 276) or creating new political communities unbounded by politically defined territorial borders, as if the state were but one forum for the exercise of collective autonomy. Much of that literature turned to an examination of pragmatic or constitutive features of democracy, not ontological questions of sovereignty and statehood. Thus, many discussions in the globalization literature focus on how to re-create the elements of democracy that legitimize rule, such as accountability to multiple, overlapping, or disconnected spaces of authority, as if the state held no privileged position.

The R2P doctrine falls far short, however, of the new cosmopolitanism that globalization supposedly enables. Like global cosmopolitanism, the doctrine focuses on the elements of political liberalism that legitimize political authority; unlike it, it reifies the state as the sole location of political community. The R2P doctrine simply reframes the basis of state legitimacy by stating that it does not automatically flow from individual to state sovereignty but is conditional on the state — and only the state — providing

internal security and protecting autonomy. Reifying the state in this way closes off, unjustifiably, opportunities to recognize wider notions of global citizenship that are worthy of protection. The idea that liberalism entails a duty to protect individuals as bearers of rights has a long lineage, but there is nothing inherent in the liberal concept of citizenship that privileges the state in doing so (Williams, this volume).

### Normative Foundations

This insight is at the core of Melissa Williams's chapter on citizenship under globalization, which leads off the volume's first section on the normative foundations of globalization and autonomy. She argues that globalization opens up space to disaggregate notions of citizenship, from which the idea of public autonomy as self-protection (as well as self-rule) stems.<sup>2</sup> Even if the requirements to achieve public autonomy as self-protection are high — for Williams they include the creation of institutional structures capable of securing the rule of law, the legitimate authorization of decision makers by the community, and the accountability of decision makers to the community — we can imagine new political communities under globalization emerging to produce these conditions. Although states certainly *can* continue to serve this function, Williams's argument challenges the position that *only* the state can be a site of citizenship.

This argument has implications for new humanitarian practices under globalization, including the R2P doctrine. The greatest limitation of this doctrine may be its failure to acknowledge that nothing inherent in its normative underpinnings limits the protection of citizenship to political communities that happen to coincide with state boundaries. The failure to move beyond a state-centric understanding of citizenship is compounded by the endorsement of a state-centric mechanism of protection. The doctrine privileges the UN Security Council, which is itself facing legitimacy problems, to make judgments about when rights are violated. Even setting aside that the Security Council reflects power asymmetries, its authority is explicitly based on the autonomy and sovereignty of states. Thus, states, as Nyers points out, retain their sovereign right to grant exceptions. The irony is that while the basis of exceptions may change — the doctrine takes the perspective of victims of “conscience-shocking” human rights violations — it explicitly rejects any movement of the authority to judge and decide to a new form of governance that would diminish the sovereign rights of states. The old political order is put in the

position of implementing a new order designed, at least *potentially*, to undermine its own basis of legitimacy as the ultimate guardian of international order and governance. The attempt to shift the justificatory discourse to a new understanding of legitimacy, however, is made in the absence of any support for a new institutional mechanism to reflect the necessary reconfiguration of authority to implement the new doctrine. Even more troubling, the doctrine's practical effect is to reinforce the autonomy of the most powerful states — permanent members of the Security Council — while the autonomy of weak states is undermined. As Nyers notes, the doctrine involves the globalization of the autonomy of some states in the name of protecting the autonomy of individuals in others.

The practical lesson is that globalization is properly seen as potentially reconstitutive of relations between individual and collective autonomy, but with an indeterminate, and at times ironic, trajectory. In this regard, the three chapters on theory emphasize that new political orders are constructed, not preordained. Depending on how that construction unfolds under globalization, and depending on the understandings of autonomy and legitimacy that underlie those constructions, very different political orders, and justifications for those orders, can arise. Nisha Shah's and Ian Cooper's chapters explore alternative possibilities for these constructions.

Although they come from different theoretical traditions, Shah and Cooper each identify two alternative understandings of the relationship between globalization and autonomy that have the potential to produce (in Shah's case) or justify (in Cooper's case) different worlds. Cooper's analysis directly maps onto the potential tension between individual and collective autonomy addressed in the liberal-communitarian debate among political theorists. Globalization, he argues, forces that debate — with one side rooted fundamentally in individual autonomy and the other in collective autonomy — to the global level. For Shah, alternative metaphors of globalization produce a similar distinction: cosmopolis invokes individual autonomy; empire and its mirror image, multitude, invoke forms of collective autonomy, or heteronomy, depending on how they become manifest in history. Shah's point is that these metaphors of globalization inform the discourses of legitimacy that emerge as one or the other metaphor gains dominance.

These two formulations of the relationship between globalization and autonomy do not superimpose on each other exactly. Rather, they make a similar point about the potentially elemental significance of starting from

different understandings of autonomy and the normative theory (Cooper) or legitimating discourse (Shah) that emerges. Cooper is interested in normative justifications and the appropriate location and relations of authority under multi-level systems of governance; Shah's focus is on language and the productive power of metaphors to potentially constitute new bases of legitimation for political authority, at whatever level it occurs. Moving from theory to practice, Cooper's elemental distinction does not foreclose the possibility that actual practices of legitimation are highly contingent on dominant metaphors and the discourses they generate.

### Legitimacy: Accommodating Difference and Autonomy

The practical implications of how globalization exposes, but does not resolve, tensions created by conceptions of legitimacy rooted in different understandings of autonomy are explored most directly in two chapters on the challenge of minority nationalism in Europe (see Keating, McGarry, and Moore; Sunday). These chapters are grouped with those of Feit and Goetze because they also explore the effects of the complex interplay of globalizing forces on minority political communities. In all cases, the authors find that globalization disrupts the autonomy of minority communities *and* provides new avenues of political expression.

Regional institutions like the EU promise support for limited expressions of national autonomy by cultural minorities. Simultaneously, they send an ambiguous, even contradictory, message about the legitimacy of territorial sovereignty. On the one hand, their support of political liberalism in the form of a universal notion of individual rights and economic liberalism erodes, pools, or disaggregates state sovereignty (the outcome that applies depends on how one understands the operationalization of EU integration). Moreover, practices of integration enable non-territorial or transnational expressions of national autonomy in new political spaces only imaginable through EU institutions. Indeed, the EU has sponsored initiatives that have encouraged mechanisms such as cross-border partnerships in which national minorities exist in regions that overlap more than one state. On the other hand, the EU formally supports the territorial autonomy and integrity of existing states — except where secession is a *fait accompli* — over any claims of minority nationalities to their own territories. In sum, simple dichotomies that favour either individual or collective autonomies do not exist; rather, complex, and sometimes competing,

interactions of legitimating discourses and practices that disrupt settled understandings of the relationship between them do.

Williams's chapter provides a theoretical basis to understand how notions of citizenship might adapt to these multiple and overlapping identities, just as political institutions have adapted to multi-tiered governance. For Williams, citizenship stems from political communities wherever they are found, even if institutions are ultimately needed to grant the protection of autonomy that citizenship requires. She borrows and expands on David Held's notion of "a community of shared fate" as being what defines the boundaries of community. This notion, she argues, applies equally well to the state as it does to the new imagined communities enabled by globalization. Political communities are constructed through two forms of political agency: imagining a set of human beings as socially related to one another in the past and the future and claims that the terms of the relationship should be subject to standards of a common good, including the fundamental good of legitimacy as reciprocal justification. Whereas public autonomy is explicitly expressed through forms of self-legislation for conceptions of citizenship rooted in the state, citizenships of globalization do not presuppose that total self-sovereignty is or can be the ultimate aim of democratic agency. Rather, Williams stresses, just as the functions of sovereignty can be disaggregated or parcelled out, so too can the functions of citizenship, which can be expressed within "multiple and overlapping communities of fate."

The chapters on minority nationalism, however, show that globalization does not provide ready-made solutions for how to translate new understandings and claims of citizenship in practice. This aspect of globalization is true even in Europe, where the institutional conditions for citizenship beyond traditional state boundaries are the most highly developed. European citizenship is, at most, a work in progress, with many signs that significant roadblocks and detours will continue to mark the journey. The failure of the draft European constitution — which Keating, McGarry, and Moore note is state-centric in any case — illustrates the challenge. Like the other chapters in this section, their analysis highlights that globalization catalyzes, and in some cases forces to the surface, the need to renegotiate collective autonomy with majorities and state institutions. This observation suggests again that processes of globalization interact with political agency to produce outcomes — and that legitimacy can be achieved only through those interactions.

## Autonomy and the Legitimation of Violence

How violence is legitimated under globalization cannot be ignored in any project focused on autonomy and globalization. Like other contributions, the two chapters in this section — Peter Nyers on the R2P doctrine and Heike Härting on narratives of localized transnational wars — focus on disruptions to political order. Unlike the rest of the volume, however, they are specifically concerned with violent disruptions and the justificatory discourse that can legitimate violence — whether for ostensibly noble or less noble ends — as globalization proceeds. Whereas Nyers focuses on a doctrine that only globalization could produce, Härting turns global humanitarian discourse on its head by showing how it can add new justifications for ongoing atrocities that have their roots in the past, usually colonial systems of domination. Nyers flips the usual question posed by doctrines of humanitarian intervention. Instead of only asking the question, who has the responsibility to limit global violence? he also asks how is violence in the name of global norms legitimated?

In showing the ironies and contradictions in global humanitarianism, both chapters are especially adept at revealing how discourses of globalization embody and reflect power. Härting does so through an exploration of the productive power of narratives in legitimizing localized transnational wars. She is interested in how the mobilization and production of perceived cultural differences legitimates forms of extreme violence. This violence removes any possibility of individual autonomy and severely restricts any expression of collective autonomy. Like Nyers, Härting finds that contemporary practices of global protection, including those endorsed by R2P, limit collective autonomy. They serve the interests of powerful countries rather than those seeking protection, while overriding the sovereignty of targeted countries in patterns continuous with colonialism. She uses a short story about communal conflict in Sri Lanka to illustrate her argument. She shows that these legitimating narratives in the current context of globalization can justify the extreme violence of global communal warfare by defining its purpose in humanitarian terms. While globalization is not a cause — enactments of localized transnational war are better understood in terms of historical continuities of practices dating at least from colonialism — discourses associated with globalization “produce cumulative effects” (Balibar 2004, 126). Consistent with Shah’s understanding of metaphorical redescription, however, literary fiction writing also has the potential to delegitimize existing discourses and to suggest paths towards

new narratives. Read together, however, these two chapters suggest that new narratives rarely arise completely dissociated from older discourses and the power relationships that sustained them.

### Legitimacy and Autonomy on the Global and Regional Scale

The final section of the volume investigates attempts to build legitimate global and regional governance institutions. It also addresses the resistance provoked when these attempts appear to threaten individual and collective autonomy at multiple levels or when they lose their connection to appropriate collective autonomies, which are the basis of their legitimacy.

The WTO is often cited as the prototypical example of an institution that faces a legitimacy crisis for both reasons. On the first count, critics claim that its rules threaten the autonomy of states subject to its disciplines because they require significant changes to domestic institutional, legal, and regulatory systems. As Sylvia Ostry points out, these new disciplines mark a significant shift in the trade regime. In effect, the trading system was transformed from the negative regulation of the GATT (what governments must not do) to positive regulation (what governments must do). On the second count, critics argue that the legalization and judicialization of the trade regime removes the WTO's most controversial decisions from the political domain and, thus, from their legitimate basis in state-based collective autonomy.

Even if politics continue to play an important role, the chapters by Ostry and Rhoda Howard-Hassmann convincingly show that many smaller developing economies, especially in Africa, lack the necessary autonomy to participate in the rule making and adjudication processes that affect them. Without the ability to participate fully in either political or legal processes, these states lack a sense of ownership required to overcome legitimacy deficits. To the degree that these deficits make the trade system as a whole appear unfair, they can fuel a broader crisis of legitimacy beyond those specifically disadvantaged states. Ostry's analysis suggests that the existing emphasis in the WTO on improving technical capacity for implementation is unlikely to increase a sense of ownership and improve fairness. Thus, she proposes that, in addition to those mechanisms, the WTO should support mechanisms to improve knowledge, consensus building, policy development, and the ability to participate and engage in the dispute resolution process and political debate and negotiations. Like Howard-Hassmann's conclusions noted earlier, Ostry's proposals put the emphasis

squarely on strengthening domestic and international mechanisms that increase state autonomy as a starting point for building the legitimacy of international institutions. Both authors, however, also note significant obstacles to quick progress in these areas.

With their emphasis on autonomy and engagement with the state, the chapters in this section also depart from conventional wisdom in the global democracy literature, which pins much of the hope for improved legitimacy on efforts to engage global civil society directly (e.g., Scholte 2007). Instead, our contributors find that the answer lies in opening up avenues for members to engage with states — domestically and in multilateral settings — since states remain privileged as legitimate public authorities. Even Jackie Smith, who notes the suspicion with which the global justice movement views public authorities, argues that engagement with states and interstate institutions is necessary to democratize the global system. Observing the divisions in social movements associated with globalization, she fears that without such engagement the rejectionists, who hail from the extreme left *and* right, will gain the upper hand. The consequences are potentially disruptive to global democracy and governance, and they show signs of becoming increasingly violent. In other words, satisfying the demand for legitimacy requires engagement with public authority, not a rejection of globalization. This finding is perhaps less surprising in light of Williams's observation that, despite globalization's enabling of new expressions of citizenship, the state is still best equipped to supply the conditions necessary for collective autonomy.

Chapters in this section examine how much tolerance, or ability to resist, there is for dominant states asserting control of global governance. Les Pal's chapter on governing the Internet, for example, shows the state reasserting its authority in what should be a most likely case for cosmopolitan global governance. At least in a functional sense, the Internet has characteristics of a global public good that should point to limits on the state's legitimate claim to control it, although the same cannot be said for its underlying technology. Moreover, the Internet's potential impact on individual autonomy — both positively in its potential for building transnational and virtual communities and negatively in its subjection to government censorship and surveillance — is profound, no matter where people live. Pal shows that despite four innovative models of Internet governance that emerged from the World Summit on the Information Society process, the existing system of governance dominated by the United States

prevailed. Although that system can claim some stakeholder involvement under the Internet Corporation for Assigned Names and Numbers (ICANN), its lack of input over the years has, according to Pal, compromised ICANN's struggle for legitimacy.

Pal's chapter also nicely illustrates that tensions may remain between global democracy, if rooted in the collective autonomy of states, and individual autonomy. The current configuration of ICANN is undemocratic by almost any measure because it is only accountable to the United States, even though its decisions potentially affect any connected country. The irony is that the most vocal opponents of ICANN were the governments of China and a number of Middle Eastern countries, many of which engage in Internet censorship and other Internet practices that undermine individual autonomy.

To sum up, the contributors to this section each found the state showing up in unanticipated ways. They highlight ongoing renegotiation with traditional state structures even as globalization contributes to the reconfiguration of political authority. In this context, Smith's warning of a shift in the struggle over what kind of globalization will prevail is highly relevant. The debate in the 1990s centred on democratic critiques of neoliberalism. Today, the struggle is over an engaged globalization that can build legitimate authority at appropriate levels rooted in expressions of autonomy, a globalization of competing moralizing missions, or simply a retrenchment to an inward-looking garrison state. As Smith argues in this volume, the latter two alternatives would justify violence that suppresses autonomy. To the degree that global institutions continue to decline in legitimacy, disenfranchised non-state actors may, too, be tempted to turn to violent alternatives.

To avoid such outcomes, new expressions of collective autonomy must find ways to connect with public authority, and public authorities need to pay greater attention to empowering those who are missing or left out. The hope is that experiments now underway in Europe, in co-governance arrangements, or in other creative reconfigurations of sovereignty elsewhere will be allowed to flourish.

## Conclusion

One overarching conclusion of this volume — that a revived liberal internationalism that re-enfranchises civil society while respecting local

expressions of collective autonomy and human rights — might seem quintessentially Canadian, a product of our project's particular place and time.<sup>3</sup> Nonetheless, two observations about Canada make us quite comfortable with this conceit. First, Canada is at the forefront of globalization by almost any measure. A leading statistical survey of globalization that looked at economic, technological, political, and social indicators ranked Canada sixth overall in the world in 2005 (*Foreign Policy* 2005). Questions about whether globalization has led to disruptions in understandings and expressions of autonomy are part of the lived experience for many of our contributors.

Second, Canada is a near archetype of a globalizing society that has evolved through a long and continuing struggle over multiple expressions of autonomy. The Canadian state's struggle for autonomy extends back to before its founding. Struggles included those for responsible government within the British Empire; the pursuit of national policies to buttress economic development against the grain of geography, with its pull to the south; the final political weaning from imperial Britain in the 1920s, 1930s, and 1940s; and, finally, attempts to construct an identity defined not solely in opposition to the US colossus. The struggles to build a modern nation-state came up against other autonomy claims, including those from Quebec nationalists, who argued they constituted a people and a nation with the right to self-determination. These struggles also involved the suppression of Aboriginal peoples' autonomies, usually accompanied by their forcible dispossession from their territories. Indeed, Harvey Feit's chapter on nation-state-indigenous co-governance in Canada traces one Aboriginal community's resistance to these processes and how that resistance took different forms as globalization advanced. Feit throws into sharp relief that globalization has meant it is no longer always appropriate to speak of idealized versions of democratic polities or clear boundaries of the demos, if it ever was. At the least, the opportunities for ongoing struggles with political expressions of collective autonomy have increased significantly.

Acknowledging the situatedness of the intellectual impulses of many of our contributors is not, however, a justification for the volume's conclusions. Rather, it is a privileged vantage point to explore and inquire critically into the themes of the volume. It militates against the idealist tendencies sometimes evident in cosmopolitan scholarship. Simultaneously, it encourages an outlook that engages with economic and social forces that increasingly operate globally and impinge on and reconfigure individuals' and

collectivities' relationships to political authority and power. The result is perhaps also quintessentially Canadian: a refusal to embrace simple dichotomies, a struggle for compromise in a world of constraints and complexities, and a self-reflective and critical engagement with the opportunities and limits of any self-governing arrangement.



**Part 1**

**Normative Foundations of Legitimacy and Autonomy**



## chapter 2

# Citizenship as Agency within Communities of Shared Fate

Melissa S. Williams

TO MANY ANALYSTS OF the phenomena we cluster under the heading “globalization,” the concept of citizenship may appear beside the point, even rather quaint and outmoded. Our received understandings, after all, define citizenship as membership in a political community that is unified by a single order of law within a discrete territory. Citizenship, they might argue, remains a salient category of analysis within territorial states, which have not disappeared from the political stage despite the increased importance of transnational and international institutions of governance. As long as (and to the extent that) states remain significant players in these institutions, citizenship will persist as a relevant status within those states that have a democratic form. But it is quixotic or at least a category mistake (these analysts might continue) to use the concept of citizenship to make sense of the broad political dynamics that we associate with globalization.

The modern variant of the concept of citizenship is indeed connected tightly to the construct of the post-Westphalian state, sovereign within its boundaries and respected as such by other states. Historically, the theory and practice of citizenship laid largely dormant from late antiquity to the early modern era. To sum this up very crudely: Greek conceptions of citizenship gave way to subjecthood under the Persian Empire, were revived and revised in the Roman republic, then fell into decline with the rise of the Roman Empire. Citizenship re-emerged as a relevant concept only as a rather late chapter in the theories of state sovereignty first propounded (most significantly) by Bodin in the sixteenth century and Hobbes in the

seventeenth century. The idea of the consent of the people as the foundation of the state's claim to legitimacy — an idea traceable to Hobbes and radicalized first by Locke and then by Rousseau — generated the idea of the sovereignty of the people as final judge and arbiter of state action. The doctrine of popular sovereignty blossomed in the age of democratic revolution of the late eighteenth century. As members of the legitimizing people, individuals were transformed from subjects of the state to democratic citizens, to joint authors of the state's laws and bearers of rights against its arbitrary power.<sup>1</sup> By participating directly and indirectly in the formation of the laws under which they live, and by authorizing and demanding accountability from the public officials who act in their name, citizens express their individual (or private) autonomy as rights-bearers and their collective (or public) autonomy as a democratic community (Habermas 1996, chap. 3).

My purpose in offering such a rough-and-ready history of the modern concept of citizenship is simply to highlight that it comes bound up in a package of concepts: state sovereignty; the territorial basis of sovereignty; peoplehood (or, in its dominant variant, nationhood); democracy; legitimacy; and legitimacy's close relation, justice. As John Ruggie suggests in his seminal 1993 article, this joining together of core political concepts (in which the concept of sovereignty functions as a keystone) is no coincidence. Rather, it is emblematic of the modern imagination itself, in which the human capacity to grasp the world — to exert both rational and practical agency in the world — is enabled by the adoption of a single point of view on that world. Just as single-point perspective took hold in the visual arts in Renaissance Italy, Ruggie argues, it also took hold in politics: "Political space came to be defined as it appeared from a single fixed viewpoint. The concept of sovereignty, then, was merely the doctrinal counterpart of the application of single-point perspectival forms to the spatial organization of politics" (Ruggie 1993, 159). With this innovation, the singular perspective of the sovereign becomes the vantage point from which all questions of political rule can be settled. The concept of sovereignty incorporates within it an account of unitary territory, a unitary people, and a unitary account of legitimacy and justice, just as the sovereign itself incorporates all the individuals that are subject to its authority (as in Hobbes's famous image on the frontispiece of *Leviathan*). *E pluribus unum*: out of many, one.

Ruggie seeks to understand the ways in which the social episteme of modernity — single-point perspective and its political expression in the concept of the sovereignty of territorially bound states — is undergoing a

transformation as the multi-perspectivalism characteristic of “postmodernity” takes hold (Ruggie 1993). More specifically, he traces out the ways in which the unitary territoriality of the state is undergoing transformation through the emergence of spatially decentred economic relations (commonly referred to as globalization of production, trade, and economic regulation) and multi-centred political forms such as the European Union.

Although Ruggie writes primarily about the unbundling of territoriality, others thematize the unbundling or disaggregation of sovereignty itself. Notwithstanding the efforts of the Bush administration to reassert aggressively the doctrine of state sovereignty (at least on behalf of the United States, if not Iraq), it is plausible to claim that since the end of the Cold War the sovereign state’s power of political decision is being parcelled out among a range of subnational, transnational, and supranational institutions. Or it is simply dissipating altogether, as when states relinquish their powers to tax corporations in deference to the naturalized forces of global competitiveness (Slaughter 2004b). We have all heard the argument that the neoliberal policies of the World Trade Organization (WTO), the International Monetary Fund (IMF), and the World Bank have sapped states’ capacity to regulate their internal economies and set their own policy priorities. In the realm of international security, the idea that military force should not be used unilaterally, and preferably not without UN approval, may be gaining ground, despite the war on Iraq. NATO’s interventions in Bosnia and Kosovo, world leaders’ public expression of moral shame at the international community’s failure to intervene during the Rwanda genocide, and the ongoing (though evidently pointless) debates over multilateral intervention in Darfur should the Sudanese government fail to stop the genocide there — all of these express a norm that fundamental human rights trump state sovereignty. Few, if any, serious scholars predict the total demise of sovereignty at the state level: the sovereign territorial state is undergoing a transformation, but it is not likely to disappear altogether for a very long time. But the sovereignty it exercises appears, increasingly, to be a qualified sovereignty in which the authority of supranational institutions and international norms to generate binding decisions in some areas of policy has a plausible claim to validity.

### **Unravelling Modern Conceptions of Democracy and Citizenship**

One can tell the story of the unravelling of the neat package of democratic and autonomous political communities from various angles. In lieu

of territoriality or sovereignty, for example, one might focus on the unsettling of the construct of a unitary people as the basis of democratic community that followed from the civil rights and feminist movements of the 1960s and 1970s and theoretical treatments of the politics of difference (including multiculturalism) of the 1980s and 1990s (see, for example, Young 1990, 2001; Kymlicka 1995; Taylor 1992). These strands of both movement politics and academic political theory laid bare the multiform exclusions by which the myth of a unitary people was constructed through the politics of nation building in Europe, North America, and elsewhere — a politics often based on a masculinist (as well as culturally or racially exclusivist) ideal of the citizen. Because many of the scholars who contributed to this body of work would resist the label of postmodernism (since, by and large, they advanced their arguments in the service of Enlightenment ideals of justice and equality), these tendencies, too, express a multi-perspectivalism that stands in tension with the unitary logic Ruggie identifies with modernity.

A defining theme of this volume is that the processes that unbundle sovereignty have generated new challenges for legitimacy, if not a new legitimacy crisis. The chains of authorization and accountability that bind state decision makers to the citizens in whose name they act are weak or absent in the new forms of transnational governance and the bodies that sustain and regulate global capitalism (see, for example, Ostry, this volume). The economic and political power of multinational corporations has grown, within both transnational regulatory institutions and the countries in which they operate. Yet they remain largely unaccountable to those whose life circumstances they profoundly affect (the workers whose labour they employ, the communities whose environments they transform, and the social inequalities they generate). Meanwhile, the internal legitimacy of Western democratic states is undermined by growing social inequality and called into question by proponents of a politics of difference. The weakening of legitimacy is evidenced by declining political participation and diminishing trust in government institutions and officials.

These stories of unbundling cast a rather gloomy shadow over the inspiring ideal of democratic citizenship sketched above. If our received ideals of citizenship are bound up in a conception of the state that is obsolescent, does it not follow that citizenship is obsolescent as well? And since the capacity for political agency that is expressed through the concept of citizenship is so indispensable for the modern account of political legitimacy, does the threat of the decline of citizenship leave individuals with a

reasonable sense of powerlessness to make effective demands for justice against those who make political decisions?<sup>22</sup> Are we at a historical moment analogous to that of Greek democrats or Roman republicans, who lived when the dynamics of empire turned citizens into subjects? And is this moment not occurring long before the promise of justice and legitimacy through the active exercise of democratic citizenship was ever fulfilled in any actually existing state?

Intriguingly, such morose musings have not inhibited discussions of citizenship, even in the context of broader treatments of globalization. Indeed, we are now witnessing a burgeoning of languages of citizenship that attempt to grasp the new modalities of civic engagement that do not align with membership in a territorially bounded constitutional state (Isin and Wood 1999). The language of global citizenship is now in common currency, denoting everything from individuals' participation in the Battle of Seattle and subsequent anti-globalization demonstrations, the unprecedented coordination of anti-war marches in major cities throughout the world on 15 February 2003, human rights and humanitarian activism, and corporate departments aimed at countering the images of multinational corporations' exploitation of workers and of natural resources. Michael Hardt and Antonio Negri (2000, 400) also employ the term *global citizenship* to refer to "a first element of a political program for the global multitude, a first political demand ... All should have the full rights of citizenship in the country where they live and work."

Discourses of cosmopolitan citizenship are continuous with global citizenship in many ways but emphasize universal standards of human rights and a universal human interest in freedom. *Environmental citizenship* denotes mobilization aimed at combatting damage to local and global ecosystems by humans. The term *transnational citizenship* encompasses transnational social movements (women's movements, labour movements, environmental movements, movements for the rights of sexual minorities, indigenous peoples' movements, etc.) and their efforts to increase the responsiveness of transnational institutions (particularly the WTO and the Bretton Woods institutions) to the interests of economically weak actors affected by their policies. *Post-national citizenship* and *denationalized citizenship* denote the effort to exercise political agency in arenas that are not delimited by or oriented to the national state (e.g., Sassen 2005). Increasingly, scholars are employing the term *diasporic citizenship* to describe the efforts of diasporic communities to maintain communication and social links across national boundaries and to attain cultural recognition from

the political communities in which their members actually reside (Isin and Wood 1999; Laguette 1998). One can even find examples of the language of worker citizenship to express a departure from traditional class politics in the form of efforts mediated by non-governmental organizations (NGOs) to coordinate the interests of corporations and workers to attain better working conditions, eliminate child labour, and so on.

Some might find it tempting to respond to these new discourses of citizenship as perversions of the concept of citizenship as a formal legal status within a territorially bounded state. Historical usage of the concept of citizenship makes clear, however, that it is a role (and, hence, includes characteristic virtues of the performance of that role) as well as a status, and that status and role do not necessarily always go together (Soysal 2001). These recent reformulations of citizenship are focused not on status but on role, on the exercise of new forms of political agency aimed at some form of common good. Granted, there is still a great deal of terminological and conceptual ambiguity in these new languages of citizenship: some use the language of transnational citizenship to denote the same phenomena that others describe under the heading of “global citizenship.” Yet each of them attempts to grasp in thought the transformations of the contours of political relationships and of political action that have been unfolding on the ground (and over the Internet) for the last several decades.

Many of these reconceptualizations of citizenship draw on the critique and reconstruction of conceptions of citizenship that we witnessed in the political theory of the 1980s and 1990s, which was led by feminist theorists, theorists of cultural recognition, critical race theorists, and the critical legal studies movement. For the most part, however, those innovations in political theory rested on the background assumption that democratic citizenship takes place within the framework of a territorially bounded constitutional order. These more recent efforts to rethink citizenship seek to suspend the supposition that territorially bounded community is a precondition of meaningful democratic agency, even as most acknowledge that citizenship in these communities remains vitally important.

### **Citizenships of Globalization**

Suppose that they are right to do so: Is there a way of thinking of citizenship that can make sense of these new conceptualizations of citizenship *and* the conceptions of democratic agency embedded in our received traditions of citizenship theory? If so, what does this reconception of citizenship

entail for our understandings of peoples and constitutions? Does it mean that we should jettison the concept of “the people” altogether in thinking about political agency? Does it mean that constitutions can no longer serve as the legal-institutional vehicle for democratic self-rule?

In joining the fray of theorists who are attempting to make new conceptual sense of the meaning of democratic citizenship in these changing circumstances, it seems reasonable to begin by leaning on that reliable standby, the concept-conception distinction (Hart 1961; Rawls 1971). Given the plurality of conceptions of citizenship, even before the recent explosion of literature described so briefly above, what can we say is the core of the concept of citizenship, the elements that every particular conception contains? I do not pretend that there is a single authoritative answer to this question, but the following may serve as a working definition: Citizenship is a form of political agency aimed at (a) *a common good* within (b) *a bounded community* in which the agent can claim (c) *the status of membership*. The exercise of this agency expresses (d) *a public role* of the citizen, which is fulfilled by the performance of (e) *activities or functions* characterized by (f) a set of *virtues*, where virtues are evaluative criteria for distinguishing better from worse performances of the roles and practices of citizenship.

In the story of modern citizenship sketched out above, we might fill in the content of this concept more or less as follows: the most important common good (a) realized through citizenship is freedom (or public autonomy) understood as self-legislation, or being bound only by those laws to which one could rationally consent and which one authorizes (directly or indirectly) through one’s own actions. The bounded community within which self-rule is exercised constitutes the people, who are defined, at least in part, by a territorial boundary that separates them from other territories and the peoples that occupy them (b). The role of the citizen (d) is defined by the activities of authorizing public decisions (directly or through participation in processes of election and representation) and holding government officials accountable through participation in (at least some of) the institutions established by the constitution (e). The status of membership in this political community brings with it the public rights of participation as well as private rights against the state and against other social actors (c). The principal virtue of citizenship is active participation in the activities of self-legislation, which is constrained by a vigilant commitment to the common good and a concern to protect the rights of individuals (f).

In contrasting this conception of citizenship with emerging conceptions of citizenship sketched above — global, transnational, post-national,

environmental, or diasporic — two elements stand out as especially divergent: the boundaries of community (b) within which the exercise of citizenship takes place and the activity of citizenship (e). The initial point of observation is purely negative: these new conceptions of citizenship do not presuppose territorial boundaries (though perhaps we might decide that the forms of community they do imagine may still warrant using the term *people*). Nor do they conceive of the activity of citizenship as being aimed at realizing self-rule through the holus-bolus of sovereignty and self-binding legislation. Rather, most often they seek to resist the power of dominant actors to make decisions that affect the fundamental interests of others without having to take those interests into account.<sup>3</sup>

Is it possible to articulate a single conception of citizenship that covers both these new forms of political engagement and the depiction of modern citizenship with which this chapter opened? If so, such a conception would have to articulate an account of the boundaries of community (b) and the functions or activities of citizenship (e) that excludes neither modern citizenship nor conceptions of global, post-national, transnational, or diasporic citizenship, the points on which the two visions diverge most markedly.

Let us begin, then, by unpacking the conception of the boundaries of community that is implicit in newly emerging ideas of citizenship. For simplicity's sake — while acknowledging the important differences among global, cosmopolitan, transnational, post-national, environmental, and diasporic conceptions of citizenship — let us bundle them together with a single label, say, “citizenships of globalization.” What can we say, in general, about how these ideas of citizenship conceptualize the human relationships within which individuals seek to assert political agency aimed at a common good?

First and foremost, the citizenships of globalization stress relations of interdependence that exceed the boundaries of the territorial states. Many emphasize relations of interdependence that arise from global capitalism, the flows of finance, capital, consumer goods, and services that elude the regulatory control of the state. Some emphasize the environmental impact of industrial production, energy, and water consumption: pollution, climate change, natural resource depletion, and so on. Some stress international migration and its impact on both countries of emigration and countries of immigration as well as the emergence of new forms of cultural and political community that stretch across space. Transnational social movements of women, indigenous peoples, labour organizations, and sexual minorities

reveal that these groups often face similar challenges in their struggles with very different states and that their local battles can be more successful if they join forces and learn from one another's experiences. Human rights advocates argue that the security of basic human rights in any particular location depends on the actions — or inaction — of international society as a whole.

What all of these views have in common is the claim that the actions of some agents — whether individuals, states, corporations, transnational institutions of governance, or non-governmental organizations — have an impact on others, even distant others. Whether that impact was intended, whether the agent was fully conscious of it, or whether the consequent relationships of dependence and interdependence were voluntary or involuntary — none of these considerations changes the fact of the impact or the facticity of the relationship that it creates.

These impacts and relationships, moreover, have temporal as well as spatial extension. They are not passing phenomena, but have their origins in the past and will extend into the future. A particular nexus of relations of affectedness may be shifting, but the broad contours of the relationship are more or less stable for the foreseeable future. They constitute systems of relationship that have emerged out of history and cannot be expected to disintegrate as a matter of course.

What makes these relationships potential sites of citizenship — possible communities that are capable of possessing a common good — is the possibility that they can be brought under conscious human agency aimed at rendering the relationships mutually advantageous, just, or legitimate. Thus, the citizenships of globalization bear important similarities to John Dewey's (1927, 15–16) theory of the public: "The public consists of all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences systematically cared for."<sup>4</sup> They also resonate with the principle of affected interest that informs Ian Shapiro's (1999) conception of democratic justice and with Iris Young's conception of social connection as a basis of moral and political responsibility (Young 2003). In each of these conceptions, what relates individuals to one another is not necessarily a shared identity, a shared sense of membership, or a shared commitment to common values, it is a system of social interdependence, often characterized by inequalities of power in which individual-level actions generate effects beyond the parties immediately concerned.

The facticity of social relationships, however, is no guarantee that those relationships will be transformed into communities over which human beings exercise intentional political agency aimed at a common good. This transformation depends on a dual act of imagination. First, agents must develop a consciousness of the relationships as existing, ongoing structures of social interdependence. Second, they must imagine that the relationship can be made subject to conscious political agency, to regulation aimed at some common good. Although the first moment of imagination is logically prior to the second, it is not necessarily temporally prior. Often, it is the effort to exert agency over the unwanted consequences of unacknowledged patterns of relationship that brings the facticity of the relationship into view and sparks a changing consciousness of the scale and scope of interconnection. These two aspects of imagination stand in an iterative and mutually constituting relationship: the possibility of action generates a new understanding of relationship, which generates new possibilities for action.

Thus, although relations of interdependence have a quality of facticity, they do not by themselves generate political relationship. The formation of new forms of political community depends on the specific forms of human agency expressed in this dual act of imagination. Since we are enmeshed in a large number and a wide array of webs of relationship, the identification of one set of relationships as a site for political action — action aimed at bringing those relationships under conscious control — involves a choice that is not determined by the facts themselves. It also depends on persuasion: the ability to bring others around to seeing this set of relationships as salient and susceptible to intentional action aimed at a common good. Imagined communities (Anderson 1991), if they are to become sites of political agency, must be imagined together by a significant number of the people who are ostensibly involved in them.

This shared imagining as the basis of political community brings to the surface the discursive basis of any potential context for democratic citizenship. The constitution of political community through shared discourse is expressed through a variety of languages by democratic theorists: *publics* (Dewey 1927), *public spheres* (Habermas, multiple writings), *social imaginaries* (Calhoun 2002; Taylor 2002), *stories of peoplehood* (Smith 2003), or *civilities* (Pettit 1997). For our purposes here — attempting to rethink the meaning of the concepts of peoples — Rogers Smith's conception of constitutive stories of peoplehood is especially instructive, because it emphasizes the constructed character of political community and the importance

of identifiable agents of construction — leaders as storytellers — in community formation (Smith 2003).

What I want to suggest is that we should understand the citizens of globalization — the mass demonstrators; the activists; the (often self-appointed) advocates for women, labour, and the environment; the more structured NGOs; and theorists — as storytellers of peoplehood, to borrow Rogers Smith's language. They are, most importantly, purveyors of new ways of imagining social relationships in the context of the diverse phenomena of globalization. Through their words and their actions, they attempt to persuade other parties to these relationships that the connections between them are real and that their actions have real consequences for others. Moreover, they seek to persuade others that these consequences can be brought under some form of rule aimed at a common good. In its most elementary form, the content of the common good they seek is (heightened) legitimacy, defined as most deliberative theorists now define it: the justification of actions to those whom they affect, according to reasons they can accept (Cohen 1989; Gutmann and Thompson 1996; Habermas 1991; Rawls 1996; Scanlon 1982, 1998).

Citizenships of globalization, then, define the boundaries of community in terms of that set of human beings who are related through the impact of some members' actions on others, wherein each member has standing to make claims of justification against the others and claims of legitimacy against the nexus or system of relationship as a whole.

If we like, we can call any such community a *people*. Because of the long association between conceptions of peoplehood and assumptions of either a shared territorial base or a shared ethnic heritage, however, I am inclined, instead, to use the tag *communities of shared fate* to denote such collectivities. Although the language of fate is problematic in several ways (as I discuss below), it is commonplace in discussions of globalization (Held 1995). What is appealing about the language of communities of fate is its connotation that the ethically significant relationships that exist among human beings are not all of conscious choosing. There are forces not of our own making that bind us to one another, like it or not. Colloquially, this understanding of *relationship* is often expressed by the declaration "we are all in the same boat." The forces that bind us certainly include the past exercise of political agency, as when we find ourselves connected through the laws and institutions of a long-standing constitutional order. Some of these forces are the unintended consequences of economic activity, as in the case of climate change, or of practices aimed at security, as in the case of the

proliferation of weapons of mass destruction and the potential of rogue states or non-state actors to procure them. Unchosen relationships also result from historical patterns of human migration, colonialism, and conquest that have transformed the demography of a given territory. Communities of fate can also be constituted by bonds of culture, language, or religion. We do not choose to be born into such communities, and regardless of whether we embrace or resist the elements of identity that they constitute for us and for others, we may feel that we have little choice but to act within the set of relationships they structure. In each of these (and no doubt other) ways, we find ourselves thrown together into webs of relationship with near and distant others. These webs of relationship have a history, but they also extend into the foreseeable future. We find that if we can extricate ourselves from these relationships at all, it may be exceedingly difficult to do so on terms that could meet a basic standard of legitimacy. The language of fate, for all its pitfalls, captures this sense that the condition of political action is a world that has been shaped by forces other than our intentional agency.

This emphasis on fate does not, however, imply fatalism, the belief that natural or divine forces so determine our circumstances that there is little or no scope for creative human agency. To the contrary, the identification of a particular web of relationships as a community of shared fate is the logical first step in efforts to exert political agency over the terms and consequences of that relationship. Nor is *fate*, here, synonymous with *destiny*, a shared future willed or determined by a supernatural force or agent. Fate, as used here, has no mystical content. Despite the literal translation of *Schicksalgemeinschaft*, the concept community of fate, as it is articulated here, does not entail a belief in a people thickly connected by blood whose destiny is to realize their greatness as a people. I grant that the language of fate may carry such connotations, which is perhaps reason enough to avoid it — even if our language offers no satisfactory alternative for capturing the element of unchosen connections that I wish to emphasize.

### **Community Boundaries**

Let us return now to the task I set myself above: to identify a definition of boundaries of community that could be shared by both the modern conception of citizenship and the newer citizenships of globalization. I suggest that the idea of a community of shared fate meets this task. It is a pragmatic

and constructivist account of community, but there is nothing in it to exclude bonds based in a shared territory, a shared constitutional tradition, a shared commitment to certain moral principles or values, or a shared cultural or political identity — all the conventional markers of constitutional peoples. Nor does it require any of these particular bonds of relationship as the basis of citizenship aimed at a common good. The idea of a community of shared fate construes the formation of political community as the outcome of two forms of political agency: imagining a set of human beings as socially related to one another in the past and the future (and telling a persuasive story so that other parties to relationship can share in that imagination) and claiming that the terms of relationship should be subject to standards of a common good, including the fundamental good of legitimacy as reciprocal justification.

Of course, narratives of past and future relationship are hotly contested. But in the first instance what constitutes a community of fate is the agreement that there is a story to be told about this relationship — that as a site of contestations over legitimacy the relationship itself is significant and enduring. To agree that there is a story to be told is not to agree on which story is the right one or on what the terms of relationship should be. On this very thin reading of community, then, Aboriginal Canadians and non-Aboriginal members of settler society, or sovereigntist Québécois and Canadian federalists, do constitute a political community. To the extent that transnational regulatory bodies such as the WTO, the IMF, and the World Bank acknowledge the critiques of their legitimacy by NGO advocates for the environment, women, and labour, they accept that there is a story to be told about the impact of their decisions on these groups. Thus, they begin to participate in a community aimed at regulating trade and finance according to some standard of a common good.<sup>5</sup> The UN's Global Compact project, framed under the leadership of John Ruggie, seeks to engage multinational corporations in dialogues with civil society leaders (including NGOs such as Amnesty International and the World Wildlife Fund) and with UN and other international agencies (including the International Labour Organization). In signing the Global Compact, businesses agree to uphold basic principles of human rights, labour rights, and environmental responsibility. They also undertake to create projects aimed at one or more of these concerns.<sup>6</sup> In constructing these relationships, the Global Compact project seeks to constitute a norm-governed community that directly includes corporations as members.

## Roles and Activities of Citizens

Let me turn now, much more briefly, to the second point of divergence between the conception of modern citizenship and the citizenships of globalization: the characterization of the role and activity of citizens. Recall that in the story of modern citizenship citizens contribute to public autonomy through their participation in the processes of collective self-legislation. In the citizenships of globalization, the functions and activities of citizenship are much more diffuse but are, in any event, less ambitious because they do not presuppose that total self-sovereignty is or can be the ultimate aim of democratic agency. Indeed, given its implicit assumption of territoriality, total sovereignty cannot even serve as a plausible aim of this agency. Rather, as I suggest above, the disaggregation or parcelling out of sovereignty seems to entail a correlative disaggregation of the functions of citizenship. The challenge is to see whether we can find a coherent way of thinking about citizenship that does not depend on assumptions of territorially bounded communities. At the same time, the goal is not to reconceptualize citizenship *de novo* but to draw on our rich traditions of democratic thought to search for a conception of the functions and roles of citizenship that is consonant with those traditions while also being adaptable to changing forms of political agency.

The strategy here, then, is to abstract away from specific historical institutions and practices of citizenship to seek out a pragmatic or functional account of the roles of the citizen in broad terms and then to reconstruct an account of contemporary citizenship that makes sense of those roles within the legal-institutional context of the constitutional state and within the more diffuse nebulae of transnational and international or global structures of relationship. What is citizenship good for? What are the most important functions it serves in individual and collective life?

When we gaze at Western traditions of democratic citizenship, two broad functions stand out as crucial, and they are likely to remain so even if the contexts and institutions of citizenship change dramatically.<sup>7</sup> One of these — self-rule — is the legacy of classical and modern republicanism; the other — self-protection — is the achievement of modern liberalism. Beginning with Aristotle, citizenship has been understood as an integral part of the project of human freedom. To fulfill the human potential for freedom, we must learn to govern ourselves both as individuals and as collectivities. The role of the citizen is, above all, to participate with other citizens in collective self-rule by reasoning with them over what they,

collectively, ought to do — what will be just and advantageous for the community and its members.

In the liberal tradition, citizenship entails being recognized as a bearer of rights that others are obliged to acknowledge and respect. The security of rights depends on active citizenship and, therefore, for several reasons entails a form of self-protection. First, governments can only be trusted to protect and enforce rights when they are accountable to those who live under them; the security of rights depends on the active vigilance and regular participation of citizens. Thus, a key instrument of citizenship as self-protection is participation in the authorization of decision-making officials and keeping them accountable to those affected by their decisions (e.g., by voting in contested elections in constitutional democracies). Second, the content of the rights that should be protected is itself worked out through citizens' participation in defining and contesting the legal and practical meaning of rights. In this way, the functions of self-rule and self-protection intersect through the distinctive procedures of political and legal institutions that give content and legal force to the broader concept of rights.<sup>8</sup>

From this very sketchy account of the functions of self-rule and self-protection, we can specify a bit further some of the activities through which these functions can be met. Some may be common to both self-rule and self-protection or entailed by their mutually constitutive character, while others may be specific to one function or the other.

I would also include among the activities of citizenship actions that are aimed at securing the conditions that make self-rule and self-protection possible. Three conditions or prerequisites of citizenship appear to be elemental to both functions. First, as I have emphasized above, citizenship as a form of political agency requires a shared understanding that systems of social relationship define the *boundaries of a community* that are significant and enduring and the site of an existing or potential common good, including the common good of legitimacy. The boundaries of community further establish *criteria of membership* through which agents are recognized as rights claimants or as those who have the standing to participate in deliberation over common ends. Second, both self-rule and self-protection require *physical security* — freedom from domination by the force of the community in question or its members. The boundaries of security must either coincide with or exceed the boundaries of community.<sup>9</sup> Third, both forms of agency depend on some degree of *economic security* — the capacity to generate sufficient wealth within the boundaries of community and to

prevent the excessive outflow of that wealth. In this way, its members' basic material needs are met and there are sufficient resources to finance the institutions through which members exercise self-rule and self-protection.

Some conditions of citizenship appear to be specific to one function or the other. The function of self-rule depends especially on the existence of shared discursive spaces within which individuals can participate in deliberations about the good of the community and its members. Self-protection requires the creation of institutional structures capable of securing the rule of law, the legitimate authorization of decision makers by the community and the accountability of decision makers to the community.

The roles and activities of citizenship as a form of political agency, then, include direct participation in the activities of self-rule (deliberation and judgment) and self-protection (claiming rights, authorizing decision makers, and holding them accountable). But they also include action aimed at securing the conditions under which these activities are possible: persuading others of the existence of ethically significant relationships; providing physical security for the community and its members; achieving the necessary degree of economic security; constructing discursive spaces for deliberation about the good of the community; and constructing institutions for the rule of law, legitimate authorization, and accountability.

If we recognize each of these activities separately as instances of citizenship, then we have succeeded in disaggregating the concept of citizenship in a manner parallel to the disaggregation of sovereignty. Eventually, the hope is that this disaggregation of citizenship will enable more contextualized judgments about the relative importance of different forms of political agency and conditions for their realization. Where fundamental human rights are at stake, for example, the activities of self-protection may have greater salience than those of self-rule. Where issues of cultural self-determination are at stake, the activities of self-rule may have greater salience than those of self-protection. Perhaps most importantly, a disaggregated conception of citizenship enables us to understand individuals as being situated within multiple and overlapping (not only nested) communities of fate, with different issue domains, within which different modalities of citizenship are most salient for the realization of freedom.

This characterization of disaggregated citizenship remains, admittedly, quite vague and underspecified. My purpose here is limited to identifying a strategy for thinking through the meaning of citizenship beyond territorially bounded communities. The further specification of the forms and conditions of such citizenship, and of the possibility of realizing any

meaningful degree of self-rule and self-protection beyond territorially bounded constitutional democracies, is a subject for further investigation. It may turn out that at least some of the institutional boundaries through which structures of self-rule and self-protection can be constructed depend, in the final analysis, on their coincidence with territorial boundaries. My reading of the literature to date does not persuade me, however, that this is necessarily the case. The forms of political engagement exemplified in the various citizenships of globalization clearly resist this supposition. Efforts are underway to construct boundaries of community, spaces for self-rule, and institutions of self-protection that are not necessarily territorially grounded, but these efforts are still in the early stages. A clear and final judgment on their prospects for success — and on the question of whether there is a necessary relationship between territory and meaningful citizenship — will rest, in part, on further research into specific cases of efforts at construction and, in part, on waiting to see the outcomes of these experiments. My efforts here have been aimed at making a plausible case for the claim that non-territorial citizenship is not impossible and rendering coherent the use of the term *citizenship* to cover both newly emergent forms of political engagement and received understandings of political agency.

## Conclusion

Suppose, then, that the foregoing constitutes a defensible analytic account of citizenship as agency within communities of shared fate as a concept that covers both modern citizenship and the citizenships of globalization. In concluding, I want to draw attention to the fact that such an analytic account cannot answer some key normative questions about citizenship. More specifically, I wish to highlight that understanding the boundaries of citizenship in terms of communities of shared fate does not, by itself, offer much guidance for judgments about which relations of interdependence individuals should privilege as the sites of their citizenly exertions.

Indeed, understanding ourselves as immersed in broad and deep networks of social interconnection has the potential to be politically paralyzing. The late Iris Young posed this problem in her social connection model of moral and political responsibility for structural injustice:

Most of us participate in a number of structural processes that arguably have disadvantaging, harmful or unjust consequences for some

people in virtue of our jobs, the market choices we make, or other activities. Surely it is asking too much, the objection runs, for each of us to worry about all these modes of participating in structures and how we might adjust our lives and relation to others so as to reduce their unjust effects. Our relation to many of these structural processes is so diffuse, and the possibility that our own action can effect a change in outcomes is often so remote, that it is more reasonable to limit our moral concern to matters where we stand in direct relation to others and can see clearly the effect of our action upon them. (Young 2004, 383)

Young's response to this political anxiety is, first and foremost, to remind us that our sense of being overwhelmed by the weight of our moral responsibilities does not relieve us of the burden of these responsibilities. She goes on to offer an agent-centred strategy for thinking through what actions we ought to take as individuals who seek to discharge these responsibilities. Young suggests that in thinking through how best to direct our political energies we should note where we have greater power to influence change and are especially privileged by existing patterns of structural injustice. Furthermore, she argues, our political action should be guided by the interests of the victims of injustice, as they understand them, and the opportunities for effective mobilization around a particular injustice — that is, our collective ability (Young 2006).

As I have noted already, Young's social connection approach to responsibility for structural injustice is similar in spirit to what I have presented in the language of communities of shared fate. It calls on us to imagine ourselves as being enmeshed in social relationships that we may not have chosen and to exercise our agency to transform those relationships in the direction of a common good, with special emphasis on the common good of justice. For those of us who agree with John Rawls that justice is "the first virtue of social institutions," this emphasis is not difficult to endorse (Rawls 1971, 3).

And yet, sympathetic as I am to Young's approach and commitment to justice, I want to suggest that there is a limit to the possibility of deriving a political action orientation from the objective facticity of social connection or interdependence. The objective dimension of mutual affectedness — our capacity to trace out, empirically, the impact of one agent's decisions on others — may get us a certain distance in making arguments about which nexus of relationships we should privilege as the focus of our

agency as citizens. This decision is particularly true in cases where the principle of affected interests addresses humans' material interests and is connected to claims of distributive justice. It is certainly feasible, at least in principle, to track the impact of political and economic decisions upon the material conditions of individuals and, hence, their life chances. It is possible (I imagine) to plot the density of social relationships in terms of their propensity to affect individuals' access to the basic human needs of nutrition, shelter, physical security, education, and health care. And from there it is not difficult to make the leap from empirical analysis to the normative claim that dense relationships with strong negative impacts on individual well-being should be privileged as sites of citizenship in the form of resistance to injustice.

This argument is not a difficult one to make, but in making it one must not lose sight of the fact that it is a political argument, one that is aimed at persuading others to perceive their social connectedness and their citizenly responsibilities through the particular lens of social justice. It is an argument that aims to constitute the subjective dimension of community in a particular way, over and against the other ways in which individuals might imagine their relationships to others. Although the objective dimensions of mutual affectedness constrain the number of stories that might plausibly be told about social relationship, the facticity of social connection does not reduce the number of plausible stories to one. This complexity becomes particularly clear once we begin to layer accounts of material relationship on accounts of identity-based relationship, a process that seems inescapable when we try to make sense (for example) of the legacies of colonialism.

To put these points a bit differently: there is no Archimedean point, no view from nowhere (Nagel 1986), from which to assert a strong hierarchy among competing stories of shared fate. The facticity of social relationships and histories reduces the indeterminacy of the political choices we make when we privilege one story over another, but it does not reduce it to zero. The choice among plausible, fact-grounded stories is, therefore, an irreducibly political choice in the Arendtian sense (or, if you prefer, in the Aristotelian sense of *prohairesis*), determined not by necessity nor even by rationality but by shared political judgment. As Arendt argued, this space of indeterminacy is the space of political freedom, in which humans exert their agency, in concert with others, to shape the world according to the lights of their own imaginative judgment.

This space of indeterminacy is filled with danger as well. Most importantly, it carries the risk of confusion as to which stories of relationship are

plausible and prevents any of them from becoming action orienting. It can produce anomie, passivity, and political paralysis. And to the extent that it does so, it leaves a political vacuum to be filled with the stories the powerful tell the weak — stories such as neoliberalism, one might argue.

The various citizenships of globalization assert different (empirically grounded) stories as they seek to fill in the indeterminacy of political space; they enjoin us to imagine ourselves in quite different communities of shared fate. Each is action orienting, but each prescribes a somewhat different object for the exercise of political agency. It is possible, even likely, that one could examine each in turn and argue for the greater or lesser plausibility of their accounts of shared fate on the basis of objective facts. What they have in common, however, is a refusal of political passivity in the face of the legitimacy failures of both state and transnational institutions of governance. Whatever their relative strengths and weaknesses, their assertion of the possibility of effective citizenship, even in an age of unbundled sovereignty, is salutary as an expression of human freedom, which is by no means to say that it is enough to secure that freedom. Securing freedom will depend, as ever, on moving beyond political imagining to the transformation of the structures through which humans order themselves.